

Nov 29, 2018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

ROY D. CHEESMAN,

No. 1:18-cv-03017-SAB

Plaintiff,

v.

DETECTIVE JENNIFER MARGHEIM,

**ORDER DENYING**

CORPORAL JASON BRUNK, and

**DEFENDANT'S RULE 12(b)**

OFFICER LUCAS ANDERSON,

**MOTION TO DISMISS**

Defendants.

Before the Court is Defendants' Rule 12(b) Motion to Dismiss. ECF No. 9.

The motion was heard without oral argument. Plaintiff is proceeding *pro se*.

Defendants are represented by Kirk A. Ehlis.

Defendants ask the Court to dismiss without prejudice because Plaintiff failed to serve his Summons and Complaint in compliance with Fed. R. Civ. P. 4(m). At the time the motion was filed, Defendants had not been served.

Previously, the Court entered an order directing service and permitting Plaintiff to ask the U.S. Marshals Service to assist him in serving Defendants. It appears Plaintiff timely provided the U.S. Marshals Service with the appropriate Forms on August 8, 2018, and Defendants were served by the United States Marshals Service on September 26, 2018. ECF Nos. 13, 14, and 15.

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**ORDER DENYING**

**DEFENDANT'S RULE 12(B) MOTION TO DISMISS ~ 1**

1           **Accordingly, IT IS HEREBY ORDERED:**

2       1. Defendants' Rule 12(b) Motion to Dismiss, ECF No. 9, is **DENIED**,  
3 as moot.

4       2. Plaintiff's Motion for Continuance, ECF No. 16, is **DENIED**, as  
5 moot. A telephonic pretrial scheduling conference will be set by separate notice  
6 after Defendants have filed their answer. At that time, the trial date will be set and  
7 a scheduling order will be entered.

8           **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
9 and forward copies to Plaintiff and counsel.

10          **DATED** this 29th day of November 2018.



15           Stanley A. Bastian

17           Stanley A. Bastian  
18           United States District Judge